

Rev. 4/18

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 22-12451

Caption: Peoples Party of Florida; Elise Mysels; Carolyn Wolfe; Victor Nieto v. Florida Dept. of State, Division of Elections; Cord Byrd, Secretary of State; Brian Corley, Pasco County Supervisor of Elections, in their Official Capacities.	District and Division: <u>Middle Dist. Florida</u> Name of Judge: <u>Hon. Thomas Barber</u> Nature of Suit: <u>42 U.S.C. Sec. 1983 - Elections</u> <hr/> Date Complaint Filed: <u>June 3, 2022</u> District Court Docket Number: <u>8:22-cv-01274</u> <hr/> Date Notice of Appeal Filed: <u>July 26, 2022</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant:			
<input checked="" type="checkbox"/> Plaintiff	Christopher Kruger	205 N. Michigan Ave.	Ph. 847 420 1763
<input type="checkbox"/> Defendant	KRUGER & GRUBER	Suite 810	Fax 847 733 0135
<input type="checkbox"/> Other (Specify)		Chicago, IL 60611	chris@krugerandgruber.com

For Appellee:

☐ Plaintiff

☐ Defendant

☐ Other (Specify)

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input type="checkbox"/> Final Judgment, 28 USC 1291 <input checked="" type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input checked="" type="checkbox"/> Injunction <input type="checkbox"/> Other _____	Amount Sought by Plaintiff: \$ <u>42 U.S.C. 1988</u> Amount Sought by Defendant: \$ _____ Awarded: \$ _____ to _____ Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Granted <input checked="" type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Denied <input type="checkbox"/> Permanent

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Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☒ Yes ☐ No
What is the issue you claim is one of First Impression? Constitutionality of Fla. Stat. 99.021 which became effective May 6, 2021
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☒ Yes ☐ No
If Yes, provide
(a) Case Name/Statute Tashjian v. Republican Party of Connecticut, as applied to Fla. Stat. 91.021
(b) Citation 479 U.S. 208 (1986) at page 215
(c) Docket Number if unreported _____
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
(a) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No
If Yes, provide
(a) Case Name _____
(b) Citation _____
(c) Docket Number if unreported _____
(d) Court or Agency _____
- (4) Will this appeal involve a conflict of law
(a) Within the Eleventh Circuit? ☐ Yes ☒ No
(b) Among circuits? ☐ Yes ☒ No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Statute requires a nominee to be a registered voter with the subject party for 365 days before the first day of the "Qualifying Period," which is 148 days before General Election in current cycle, violating Tashjian, supra, 408 U.S. at 215. Because statute contains no exemption for newly-formed parties or newly-formed candidacies, the statute discriminates, contrary to Williams, 393 U.S. 23 (1968), Anderson, 460 U.S. 780 (1983), & Norman, 502 U.S. 279 (1992); because of its propensity to "lock-out" candidates it further violates Anderson. The District Court's denial of injunctive relief violates McCarthy v. Askew, 540 F 2d 1254 (1976).

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 29 DAY OF JULY, 2022.

Christopher Kruger

NAME OF COUNSEL (Print)

/s/ Christopher Kruger

SIGNATURE OF COUNSEL